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In re Application of :
ZHANG et al. :
U.S. Application No. 10/019,879 :
PCT No.: PCT/CN00/00293 :
Int. Filing Date: 28 September 2000 :
Priority Date: None :
Attorney Docket No.: 42390.P9658 :
For: A METHOD AND APPARATUS FOR :
EXTRACTING ENTITY NAMES AND :
THEIR RELATIONS :

DECISION ON PETITION

This decision is issued in response to applicants' "Request for Consideration of Previously Filed Petition to Revive Application and Petition under 37 CFR 1.47(a)" filed 12 March 2008.

BACKGROUND

On 28 September 2000, applicants filed international application PCT/CN00/00293 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 April 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 28 March 2003.

On 27 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 01 May 2003, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 12 November 2003, applicants filed a response to the Notification Of Missing Requirements which included a petition under 37 CFR 1.47(a); payment of the required surcharge; and a four-month extension of time. In a decision dated 20 January 2004, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 18 October 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment under 35 U.S.C. 371 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 01 May 2003. (The notification should have indicated that the application was abandoned for failure to respond to the Decision mailed 20 January 2004.)

On 12 March 2008, applicants filed "Request for Consideration of Previously Filed Petition to Revive Application and Petition under 37 CFR 1.47(a)."

DISCUSSION

The above-identified application was abandoned for failure to respond to the Decision on Petition mailed 20 January 2004.

Applicants state in the present petition that a response to the Notification of Abandonment was mailed to the United States Patent and Trademark Office on 21 January 2005. A review of the application file reveals that the response is not located therein. The best evidence of what was actually received by the Office on a particular date is a copy of a returned date stamped postcard receipt that was filed with papers in question and contains a specific itemization of all items being submitted. (See Manual of Patent Examining Procedure § 503.) In the present instance, applicants have not provided any evidence, such as a date stamped return receipt post card, that evidences receipt by the Office of the response (Petition under 37 CFR 1.137(b) and 1.47(a)) filed on 21 January 2005. Applicants state that "the proof of payment of the fees provided in Exhibit F constitutes proof of receipt of the petitions by the Patent Office." However, the fee payment only provides proof that a fee payment was made, not the filing of a petition.

It is noted that the 12 March 2008 submission is accompanied by the petitions (Exhibit E) allegedly filed on 21 January 2005. Exhibit E contains an unsigned copy of the Petition to Revive; the Petition under 37 CFR 1.47(a); and the non-stamped postcard receipt. These papers bear a 37 CFR 1.8 certification dated 21 January 2005. However, the transmittal letter to which it was attached is unsigned and does not include evidence (i.e., a postcard receipt) establishing USPTO receipt of the original "Petition" document. Accordingly, the 37 CFR 1.8 certification contained in the copy of the "Response to Notification of Missing Requirements of Application" attached to the unsigned document cannot be considered.

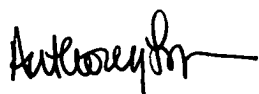
CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

The application remains ABANDONED with regards to national stage processing in the United States.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.137(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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